

REMARKS

In the Office Action mailed October 20, 2008, the Examiner notes that claims 1, 3-4, 6, 8-11, 13, 17-19, 21-22, 26, 28-29, and 31 were pending and rejects claims 1, 3-4, 6, 8-11, 13, 17-19, 21-22, 26, 28-29, and 31. Claims 1, 8, 17, 18, 19 and 26 are amended, claims 3, 10, 21, 28, 29, and 31 are canceled, no new claims are added; and, thus, in view of the foregoing claims 1, 4, 6, 8, 9, 11, 13, 17, 18, 19, 22, and 26 remain pending for reconsideration which is requested. No new matter is believed to have been added. The Examiner's rejections are respectfully traversed below.

CLAIM REJECTIONS UNDER 35 USC § 103

The Office Action, on page 2, in item 3, rejects claims 1, 3-4, 6, 8-11, 13, 17-19, 21-22, 26, 28-29, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Matsuo (US Pub. 20010042021) in view of Clore (US Pub. 20030074290). This rejection is respectfully traversed below. Claims 3, 10, 21, 28, 29, and 31 are canceled.

Matsuo discusses an electronic settling system and method to execute settlements in real time over the Internet or a communication line. Thus, when a user purchases an article at a shop, the customer uses his mobile phone 32 to transmit settlement information for the price of the article and an electronic bank 1 instantly executes settlement **in real time**. (See Matsuo, paragraph [0005]; [0056]). The Office Action admits that Matsuo fails to teach all features of claim 1.

Clore discusses providing a repayment plan to financial account customers, such as credit card customers. Customers are offered membership into the repayment plan to pay back debt and allow customers to choose from options to pay back the debt including payment amounts, time periods to pay back the debt, and fees assessed while the customer is a member of the plan. The financial account provider may provide its own counteroffer in response to the customer. The financial account provider may monitor repayment and determine if the delinquent account meets or does not meet criteria to pay back the debt. Thus Clore merely discusses determining whether an appropriate debt payment is received within a specified time period and then possibly adjusting account parameters such as removing delinquent status or modifying the credit report based upon the debt payment and does not discuss adding a time lag before a payment request is executed and requesting a telephone confirmation before a payment is executed as in claim 1. (See Clore, Abstract, paragraphs [0021] and [0052]; Figure 4, 410).

The invention of the claims solves a problem not recognized much less solved by the cited references. In particular, it can occur that a person may desire to make a large payment using a terminal with a money card inserted over a data network. The person will send a date and time at which the payment is to be made along with amount. Larger payments are required to undergo a longer security waiting time period or "time lag" before being executed, the length of the time lag depending upon the size of the payment. However, for the payment to be executed, after the wait period is over, a telephone call is made to a mobile device having the same money card to confirm payment. In such a situation, when a person wants to make a payment using a mobile device or desires to withdrawal money from a bank, traditionally, the payment is instantly requested and executed over the internet before a user even knows of theft or loss of a bank card. This problem is solved by pushing the payment execution time back depending on the size of the payment and requiring a telephone connection confirmation. The solution recited by the claims is discussed in more detail below.

In particular, claim 1 is amended to clarify its distinctive features and recites:

a payment accepting step wherein payment application in which a payment money amount is specified by the user on said terminal apparatus and a payment date/time is set in a manner such that **as said payment money amount discretely determined is larger, a time lag between said payment application date/time and a payment execution date/time is increased and is received from said terminal apparatus via the Internet;** and

a payment executing step wherein **when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network,** establishment of a telephone talk connection is confirmed, and payment of the electronic money is executed.

Therefore, in view of the above discussion, it is submitted that claim 1 is patentable over Matsuo and Clore, taken alone or in combination, as neither reference discloses, either expressly or implicitly, the features of claim 1, recited above. Clore merely discusses a method and system to allow a customer with credit card debt to restructure their debt according to a payment plan and pay back a credit card company. However, claim 1 recites "a payment accepting step...**as said payment money amount discretely determined is larger, a time lag between said payment application date/time and a payment execution date/time is increased and is received from said terminal apparatus via the Internet**" and "a payment executing step wherein **when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network,** establishment of a telephone talk connection is confirmed, and payment of the electronic money is executed." Neither

reference, alone or in combination teaches a payment request sent from a terminal having a card over the internet, time lag, and execution after card telephone confirmation of claim 1.

In other words, a payment application via a terminal apparatus is made with a payment money amount and a date/time, and it is determined whether it is a payment application for a larger amount of money. A time lag is applied to the payment application if it is a larger amount of money and the application is sent over the internet via the terminal apparatus having the card inserted. After the time lag is over, a telephone call is sent from the bank server to the card which is connected to a mobile phone network to confirm the payment, and only then payment is executed. Thus, payments are more secure and by providing the time lag, the payment can be cancelled more easily in case the payment is fraudulently made or the card is lost or stolen. Thus, claim 1 patentably distinguishes over Matsuo and Clore, taken alone or in combination.

Independent claims 8, 17-19, and 26 are amended to emphasize features similar to those in claim 1. Therefore, it is submitted that independent claims 8, 17-19, and 26 are patentable over Matsuo and Clore, taken alone or in combination, for reasons similar to those discussed above with respect to claim 1.

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 13 recites "wherein in said payment executing step, if the telephone talk connection is not established in the telephone call to said electronic money card, the execution of the payment is stopped and the payment application is cancelled." In particular, the cited references do not teach requiring the safeguard of a telephone talk connection before execution of payment. It is submitted that the dependent claims are independently patentable over the cited references.

Accordingly, withdrawal of the rejection is respectfully requested.

Summary

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/076,539

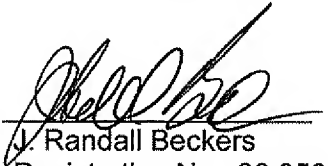
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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